

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CV-168-JFH-CDL

**1. 250,000 FILLED BOTTLES OF
LIQUID PRODUCT, MORE OR
LESS, OF FINISHED PRODUCT,
CONTAINING KRATOM,
LABELED IN PART: "BOTANIC
TONICS FEEL FREE PLANT
BASED HERBAL
SUPPLEMENT",**

**2. 1.5 TANKS OF LIQUID
PRODUCT, MORE OR LESS,
CONTAINING KRATOM,**

**3. 1,200 CARTONS OF
CAPSULES, MORE OR LESS, OF
KRATOM, LABELED IN PART:
"BOTANIC TONICS FEEL FREE
PLANT BASED HERBAL
SUPPLEMENT",**

**4. UNDETERMINED
QUANTITIES OF BULK
POWDER KRATOM, LABELED
IN PART: "GREEN NANO", and**

**5. ALL OTHER QUANTITIES OF
AFORESAID ARTICLES OF
FOOD WITH ANY LOT NUMBER
AND IN ANY SIZE OR TYPE
CONTAINER THAT ARE
LABELED OR OTHERWISE
APPEAR TO CONTAIN, OR
ARE, KRATOM, LOCATED AT
13105 EAST 61ST STREET,
SUITES A&B BROKEN ARROW,
OKLAHOMA 74012-1191,**

Defendant Articles.

**VERIFIED CLAIM OF INTEREST IN OR RIGHT AGAINST
PROPERTY ON BEHALF OF BOTANIC TONICS, LLC**

COMES NOW Claimant Botanic Tonics, LLC, by and through undersigned counsel and pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, and files this verified claim as follows:

1. Plaintiff United States of America filed a Verified Complaint in the above-captioned matter against and seeking forfeiture of the property listed in the caption and referred to as “Defendant Articles,” more specifically:

1. 250,000 FILLED BOTTLES OF LIQUID PRODUCT, MORE OR LESS, OF FINISHED PRODUCT, CONTAINING KRATOM, LABELED IN PART: “BOTANIC TONICS FEEL FREE PLANT BASED HERBAL SUPPLEMENT”,

2. 1.5 TANKS OF LIQUID PRODUCT, MORE OR LESS, CONTAINING KRATOM,

3. 1,200 CARTONS OF CAPSULES, MORE OR LESS, OF KRATOM, LABELED IN PART: “BOTANIC TONICS FEEL FREE PLANT BASED HERBAL SUPPLEMENT”,

4. UNDETERMINED QUANTITIES OF BULK POWDER KRATOM, LABELED IN PART: “GREEN NANO”, AND

5. ALL OTHER QUANTITIES OF AFORESAID ARTICLES OF FOOD WITH ANY LOT NUMBER AND IN ANY SIZE OR TYPE CONTAINER THAT ARE LABELED OR OTHERWISE APPEAR TO CONTAIN, OR ARE, KRATOM, LOCATED AT 13105 EAST 61ST STREET, SUITES A&B BROKEN ARROW, OKLAHOMA 74012-1191.

2. On May 10, 2023, the United States filed a First Amended Verified Complaint seeking forfeiture of “Defendant Articles” but providing a different list. The new list claims the “Defendant Articles” consist of:

- a) 59 pallets and four partial pallets said to contain 225,048 bottles, each bottle filled with 2oz of liquid finished product containing kratom;
- b) One partial pallet said to contain 616 bottles of 90 count capsules of finished product containing kratom;
- c) 1,237 cartons each said to contain 72 count capsules of finished product containing kratom;
- d) Contents of one full tank of in-process liquid product containing kratom said to contain an estimated volume sufficient to fill 125,000 bottles with 2oz each of liquid finished product containing kratom;
- e) Two mixed pallets of three finished products containing kratom that were packaged with shipping labels ready for distribution containing: 2oz liquid; 90 count capsules bottles; and 72 count capsules cartons; and,
- f) Sixty-five cases said to contain, in total, 1,300 kg of bulk powder kratom.

3. Claimant Botanic Tonics owns and is entitled to possession of the above-listed property under both descriptions of “Defendant Articles”. The property is due to be returned to Botanic Tonics and is not subject to forfeiture under 21 U.S.C. § 334 or any other statute.

4. J.W. Ross is the Managing Member of Botanic Tonics and authorized to submit this Claim on its behalf.

DATED: 17 May 2023

Respectfully submitted,

s/ John D. Russell

John D. Russell, OBA No. 13343

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COUNSEL FOR CLAIMANT

BOTANIC TONICS, LLC

VERIFICATION

I attest and declare under penalty of perjury, that I am authorized to make a claim against the defendant property, that Botanic Tonic, LLC's claim is not frivolous, and that the information provided in support of Botanic Tonic, LLC's claim is true and correct.

DATED: 16 May 2023


BOTANIC TONICS, LLC

By: J.W. Ross

Its: Managing Member

CERTIFICATE OF SERVICE

I hereby certify that on 17 May 2023 I caused to be filed the above and foregoing pleading with the Clerk of Court via the Court's ECF system, which served a true copy on all counsel of record via the ECF system.

s/ John D. Russell
John D. Russell